

PD

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DENNIS M. SHARPE
337 MCKEAN STREET
PHILADELPHIA, PA 19148

AND

MARYANN SHARPE
337 MCKEAN STREET
PHILADELPHIA, PA 19148

AND

DENNIS W. SHARPE
337 MCKEAN STREET
PHILADELPHIA, PA 19148

V.

POLICE OFFICER MICHAEL E. SPICER
BADGE NUMBER 5180
1515 ARCH STREET, 15TH FL.
PHILADELPHIA, PA. 19102

AND

POLICE OFFICER THOMAS LICIADELLO
1515 ARCH STREET, 15TH FL.
PHILADELPHIA, PA. 19102

AND

POLICE OFFICER BRIAN REYNOLDS
1515 ARCH STREET, 15TH FL.
PHILADELPHIA, PA. 19102

AND

POLICE OFFICER LINWOOD NORMAN
1515 ARCH STREET, 15TH FL.
PHILADELPHIA, PA. 19102

AND

POLICE OFFICER JOHN SPEISER
1515 ARCH STREET, 15TH FL.
PHILADELPHIA, PA. 19102

AND

POLICE OFFICER PERRY BETTS
1515 ARCH STREET, 15TH FL.
PHILADELPHIA, PA. 19102

AND

POLICE OFFICERS JOHN DOE #1-5
1515 ARCH STREET, 15TH FL.

19 983 1

JURY TRIAL DEMANDED

NO.

PHILADELPHIA, PA 19102 :
AND :
THE CITY OF PHILADELPHIA :
1515 ARCH STREET :
PHILADELPHIA, PA 19146 :

COMPLAINT - CIVIL ACTION

1. Plaintiff, Dennis M. Sharpe, is an adult citizen, resident of the Commonwealth of Pennsylvania and father of Dennis W. Sharpe, residing as captioned.
2. Plaintiff, Maryann Sharpe, is an adult citizen, resident of the Commonwealth of Pennsylvania and Mother of Dennis. W. Sharpe residing as captioned.
3. Plaintiff, Dennis W. Sharpe, is an adult citizen, resident of the Commonwealth of Pennsylvania and son of Dennis M. Sharpe and Maryann Sharpe, residing as captioned.
4. Defendant, Police Officer Spicer, was at all material times a police officer with the City of Philadelphia Police Department.
5. Defendant, Police Officer Liciardello, was at all material times a police officer with the City of Philadelphia Police Department.
6. Defendant, Police Officer Reynolds, was at all material times a police officer with the City of Philadelphia Police Department.
7. Defendant, Police Officer Norman, was at all material times a police officer with the City of Philadelphia Police Department.
8. Defendant, Police Officer Speiser, was at all material times a police officer with the City of Philadelphia Police Department.
9. Defendant, Police Officer Betts, was at all material times a police officer with the City of Philadelphia Police Department.
10. Defendants, Police Officers John Doe #1-5, were at all material times police officers with the City of Philadelphia Police Department.

11. Defendant, City of Philadelphia, is a municipality, organized and existing under the laws of the Commonwealth of Pennsylvania, with a main office and/or principal place of business located as captioned.
12. At all material times, the Defendant, Police Officer Spicer, was employed as a police officer by the City of Philadelphia Police Department and was acting within the course and scope of his employment, under the color of state law and pursuant to the policies, practices and/or customs of the City of Philadelphia Police Department.
13. At all material times, the Defendant, Police Officer Liciardello, was employed as a police officer by the City of Philadelphia Police Department and was acting within the course and scope of his employment, under the color of state law and pursuant to the policies, practices and/or customs of the City of Philadelphia Police Department.
14. At all material times, the Defendant, Police Officer Reynolds, was employed as a police officer by the City of Philadelphia Police Department and was acting within the course and scope of his employment, under the color of state law and pursuant to the policies, practices and/or customs of the City of Philadelphia Police Department.
15. At all material times, the Defendant, Police Officer Norman, was employed as a police officer by the City of Philadelphia Police Department and was acting within the course and scope of his employment, under the color of state law and pursuant to the policies, practices and/or customs of the City of Philadelphia Police Department.
16. At all material times, the Defendant, Police Officer Speiser, was employed as a police officer by the City of Philadelphia Police Department and was acting within the course and scope of his employment, under the color of state law and pursuant to the policies, practices and/or customs of the City of Philadelphia Police Department.

17. At all material times, the Defendant, Police Officer Betts, was employed as a police officer by the City of Philadelphia Police Department and was acting within the course and scope of his employment, under the color of state law and pursuant to the policies, practices and/or customs of the City of Philadelphia Police Department.
18. At all material times, the Defendants, Police Officers John Doe #1-5, were employed as police officers by the City of Philadelphia Police Department and were acting within the course and scope of their employment, under the color of state law and pursuant to the policies, practices and/or customs of the City of Philadelphia Police Department.
19. The court has jurisdiction over the Federal Law Claims pursuant to 28 U.S.C. §1331 and §1343 and jurisdiction over the State Law Claims, pursuant to the principals of pendant and ancillary jurisdiction.
20. Venue is proper under 28 U.S.C. §1391(b) because the cause of action upon which the complaint is based arose in Philadelphia County, Pennsylvania, which is in the Eastern District of Pennsylvania.
21. On March 27, 2008 Police Officer Spicer, Police Officer Liciardello, Police Officer Reynolds, Police Officer Norman, Police Officer Speiser, Police Officer Betts and/or Police Officers John Doe #1-5 pushed themselves into the Plaintiff's home at 337 McKean Street, in Philadelphia, PA.
22. When asked for a warrant, the Defendants, Police Officer Spicer, Police Officer Liciardello, Police Officer Reynolds, Police Officer Norman, Police Officer Speiser, Police Officer Betts and/or Police Officers John Doe #1-5, ignored the request and instead went upstairs to the Plaintiff, Dennis W. Sharpe's, room.

23. The Defendants, Police Officer Spicer, Police Officer Liciardello, Police Officer Reynolds, Police Officer Norman, Police Officer Speiser, Police Officer Betts and/or Police Officers John Doe #1-5, threatened the Plaintiff by telling him if he didn't cooperate, they would take his parent's home.
24. On March 27, 2008 the Defendants, Police Officer Spicer, Police Officer Liciardello, Police Officer Reynolds, Police Officer Norman, Police Officer Speiser, Police Officer Betts and/or Police Officers John Doe #1-5, arrested the Plaintiff, Dennis W. Sharpe, after searching his room, and initiated criminal proceedings against him.
25. The Plaintiff, Maryann Sharpe, again requested a warrant. The Defendant, Police Officer Spicer, placed a folded piece of paper on the table, representing it to be the warrant.
26. After the Defendant police officers left with the Plaintiff, Dennis W. Sharpe, in hand cuffs, the Plaintiff, Maryann Sharpe, looked at the piece of paper and found out that it was a blank piece of paper, not a warrant to enter or search her home.
27. The Plaintiff, Dennis W. Sharpe, was charged with manufacturing, delivering, possession with intent to manufacture or deliver, criminal use of communication facility and intentional possession of a controlled substance.
28. The Plaintiff was innocent of all charges and the Defendants lacked probable cause to arrest and prosecute the Plaintiff.
29. On March 10, 2017, the Philadelphia District Attorney's Office and Judge Sheila Woods-Skipper determined that the Plaintiff's conviction was improper. As a result, the Plaintiff's conviction was re-opened, and all charges were dismissed.

30. As a direct and proximate result of the above, the Plaintiff, Dennis W. Sharpe, suffered injuries, including but not limited to wrongful detention and supervision and a significant deprivation of liberty.

31. As a direct and proximate result of the above, the Plaintiffs Dennis M. Sharpe and Maryann Sharp, suffered damages including but not limited to forfeiture proceedings of their home.

COUNT I
MALICIOUS PROSECUTION
DENNIS W. SHARPE V. POLICE OFFICER SPICER, POLICE OFFICER
LICIARDELLO, POLICE OFFICER REYNOLDS, POLICE OFFICER NORMAN,
POLICE OFFICER SPEISER, POLICE OFFICER BETTS AND POLICE OFFICERS
JOHN DOE #1-5

32. All preceding paragraphs of this Complaint are fully incorporated by reference.

33. As described above, the Defendants, Police Officer Spicer, Police Officer Liciardello, Police Officer Reynolds, Police Officer Norman, Police Officer Speiser, Police Officer Betts and/or Police Officers John Doe #1-5, caused the Plaintiff to be subjected to criminal proceedings intentionally, maliciously and without probable cause.

34. On March 10, 2017 the court granted Commonwealth's motion to Nolle Prosequi the charges after the sentence was vacated and a new trial ordered. Therefore, all criminal proceedings were terminated in the Plaintiff's favor.

35. As a direct and proximate result of the malicious and intentional actions of Defendants, the Plaintiff, Dennis W. Sharpe, suffered damages as described above.

36. The above-described actions of Defendants were so malicious and intentional and displayed such a reckless indifference to the Plaintiff's rights and wellbeing that the imposition of punitive damages is warranted.

WHEREFORE, Plaintiff, Dennis W. Sharpe, demands compensatory and punitive damages against Defendants, Police Officer Spicer, Police Officer Liciardello, Police Officer Reynolds, Police Officer Norman, Police Officer Speiser, Police Officer Betts and/or Police Officers John Doe #1-5, jointly and/or severally, for the malicious prosecution, in an amount to fairly and adequately compensate the Plaintiffs and punish and deter such conduct on the part of the Defendants, in addition to interest, costs, attorney's fees and delay damages.

COUNT II – 42 U.S.C. § 1983

IV AMENDMENT

ILLEGAL ENTRY/SEARCH

DENNIS M. SHARPE, MARYANN SHARPE AND DENNIS W. SHARPE vs. POLICE OFFICER SPICER, POLICE OFFICER LICIARDELLO, POLICE OFFICER REYNOLDS, POLICE OFFICER NORMAN, POLICE OFFICER SPEISER, POLICE OFFICER BETTS AND POLICE OFFICERS JOHN DOE #1-5

37. All preceding paragraphs of this Complaint are fully incorporated by reference.
38. As aforesaid, Defendants, jointly and/or severally, acting within the course and scope of their employment, under the color of state law, intentionally and maliciously deprived Plaintiffs, Dennis M. Sharpe, Maryann Sharpe and Dennis W. Sharpe of their rights, privileges and immunities under the Laws and Constitutions of the Commonwealth of Pennsylvania and the United States; in particular, the right to be free from unreasonable entries and searches; all of which actions violated the Plaintiffs' rights under the Fourth and Fourteenth Amendments to the Constitution of the United States, the Constitution of the Commonwealth of Pennsylvania, the Laws of the United States and of the Commonwealth of Pennsylvania, and were in violation of 42 U.S.C. § 1983.
39. As aforesaid, all Defendants, jointly and/or severally, acting within the course and scope of their employment, under the color of State law, intentionally and illegally entered the home

of Plaintiffs, Dennis M. Sharpe and Maryann Sharp, on March 27, 2008, without just cause or provocation, or a valid warrant, all of which actions violated Plaintiffs' rights under the Fourth and Fourteenth Amendments to the Constitution of the United States, the Constitution of the Commonwealth of Pennsylvania, the laws of the United States and of the Commonwealth of Pennsylvania and are in violation of 42 U.S.C. § 1983.

40. As aforesaid, Defendants, jointly and/or severally, acting within the course and scope of their employment, under the color of State law, used their position of authority, illegally and improperly to enter the home of the Plaintiffs without a valid warrant, by the above described actions, all of which actions violated the Plaintiffs' rights under the Fourth and Fourteenth Amendments to the Constitution of the United States, the Constitution of the Commonwealth of Pennsylvania, the laws of the United States and of the Commonwealth of Pennsylvania and were in violation of 42 U.S.C. § 1983.
41. Defendants, jointly and/or severally, have been deliberately indifferent to the rights of the Plaintiffs to be free from illegal entry, search and seizure, which deliberate indifference violates the Plaintiffs' rights under the Fourth and Fourteenth Amendments of the Constitution of the United States, the Constitution of the Commonwealth of Pennsylvania, the laws of the United States and of the Commonwealth of Pennsylvania and are in violation of 42 U.S.C. § 1983.
42. As a direct and proximate result of the malicious, intentional and reckless actions of the Defendants, the Plaintiffs, Dennis M. Sharpe, Maryann Sharp and Dennis W. Sharpe, suffered injuries which are described above.

43. The above described actions of all Defendants, in their individual capacities, were so malicious, intentional and reckless and displayed such a reckless indifference to the Plaintiffs' rights and wellbeing, that the imposition of punitive damages is warranted.

WHEREFORE, pursuant to 42 U.S.C. § 1983, Plaintiffs, Dennis M. Sharpe, Maryann Sharp and Dennis W. Sharpe, demand compensatory and punitive damages against the Defendants, Police Officer Spicer, Police Officer Liciardello, Police Officer Reynolds, Police Officer Norman, Police Officer Speiser, Police Officer Betts and/or Police Officers John Doe #1-5, jointly and/or severally, in their individual capacities, in an amount to fairly and adequately compensate the Plaintiffs and punish and deter such conduct on the part of the Defendants, in addition to interest, costs, attorney's fees and delay damages.

COUNT III
FORFEITURE

DENNIS M. SHARPE AND MARYANN SHARPE V. POLICE OFFICER SPICER,
POLICE OFFICER LICIARDELLO, POLICE OFFICER REYNOLDS, POLICE
OFFICER NORMAN, POLICE OFFICER SPEISER, POLICE OFFICER BETTS AND
POLICE OFFICERS JOHN DOE #1-5

44. All preceding paragraphs of this Complaint are fully incorporated by reference.

45. As described above, the Defendants, Police Officer Spicer, Police Officer Liciardello, Police Officer Reynolds, Police Officer Norman, Police Officer Speiser, Police Officer Betts and/or Police Officers John Doe #1-5, caused the Plaintiffs to be subjected to forfeiture proceedings intentionally, maliciously and without probable cause.

46. All forfeiture proceedings were terminated in the Plaintiffs' favor.

47. As a direct and proximate result of the malicious and intentional actions of Defendants, the Plaintiffs, Dennis M. Sharpe and Maryann Sharpe, suffered damages as described above.

48. The above-described actions of Defendants were so malicious and intentional and displayed such a reckless indifference to the Plaintiffs' rights and wellbeing that the imposition of punitive damages is warranted.

WHEREFORE, Plaintiffs, Dennis M. Sharpe and Maryann Sharpe, demand compensatory and punitive damages against Defendants, Police Officer Spicer, Police Officer Liciardello, Police Officer Reynolds, Police Officer Norman, Police Officer Speiser, Police Officer Betts and/or Police Officers John Doe #1-5, jointly and/or severally, for the malicious prosecution, in an amount to fairly and adequately compensate the Plaintiffs and punish and deter such conduct on the part of the Defendants, in addition to interest, costs, attorney's fees and delay damages.

COUNT V – 42 U.S.C. §1983
CUSTOM, POLICY AND PRACTICE - MONELL CLAIM
DENNIS M. SHARPE, MARYANN SHARPE, AND DENNIS W. SHARPE vs. CITY OF
PHILADELPHIA

49. All preceding paragraphs of this Complaint are fully incorporated by reference.

50. The Plaintiffs, Dennis M. Sharpe, Maryann Sharpe, and Dennis W. Sharpe believe that the Defendant, City of Philadelphia, has adopted and maintained for many years a recognized and accepted policy, custom and/or practice of condoning and/or acquiescing in the use of excessive force, as well as, malicious prosecution, by its undercover narcotics officers; and systematically verbally and physically abusing individuals, and subjecting them to the same type of treatment to which the Plaintiffs were subjected. Said policy, custom and practices violates the Fourth and Fourteenth Amendments of the Constitution of the United States, the laws of the United States and of the Commonwealth of Pennsylvania.

51. The Plaintiffs believe that the Defendant, City of Philadelphia, has adopted and maintained for many years, a recognized and accepted policy, custom, and practice of systematically failing to properly train, investigate, supervise and discipline undercover narcotics officers, including the individual Defendants Police Officer Spicer, Police Officer Liciardello, Police Officer Reynolds, Police Officer Norman, Police Officer Speiser, Police Officer Betts and/or Police Officers John Doe #1-5, regarding constitutional restraints illegal entry and search, as well as, malicious prosecution, which policy and/or custom and/or practice violates the Fourth and Fourteenth Amendments of the Constitution of the United States, the Constitution of the Commonwealth of Pennsylvania, the laws of the United States and of the Commonwealth of Pennsylvania.
52. The Defendant, City of Philadelphia, has been deliberately indifferent to the rights of citizens of the City of Philadelphia to be free from illegal entry and search and malicious prosecution, which deliberate indifference violates the Plaintiff's rights under the Fourth and Fourteenth Amendments of the Constitution of the United States, the laws of the United States and of the Commonwealth of Pennsylvania.
53. The Plaintiffs believe and therefore avers, that at all material times, the Defendant, City of Philadelphia, knew or should have known of the above described policy, custom and practice of the Philadelphia Police Department, and that they deliberately, knowingly and intentionally failed to take measures to stop or limit the policy, custom and practice.
54. By failing to take action to stop or limit the policy and/or custom and/or practice by remaining deliberately indifferent to the systematic abuses which occurred in accordance with and as a direct and proximate result of the policy, Defendant, City of Philadelphia, condoned, acquiesced in, participated in, and perpetrated the policy in violation of the

Plaintiff's rights under the Fourth and Fourteenth Amendments of the Constitution of the United States, the Laws of the United States and of the Commonwealth of Pennsylvania.

WHEREFORE, pursuant to 42 U.S.C. §§ 1983 and 1988, the Plaintiffs, Dennis M. Sharpe, Maryann Sharpe and Dennis W. Sharpe, demand compensatory damages against the Defendant, City of Philadelphia, in an amount to fairly compensate the Plaintiffs, and punish and deter such conduct on the part of the Defendants, in addition to interest, costs, attorney's fees and delay damages.

COUNT VI
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
DENNIS M. SHARPE, MARYANN SHARPE AND DENNIS W. SHARPE vs. POLICE
OFFICER SPICER, POLICE OFFICER LICIARDELLO, POLICE OFFICER
REYNOLDS, POLICE OFFICER NORMAN, POLICE OFFICER SPEISER, POLICE
OFFICER BETTS AND POLICE OFFICERS JOHN DOE #1-5

55. All preceding paragraphs of this Complaint are fully incorporated by reference.

56. As described above, the Defendants, Police Officer Spicer, Police Officer Liciardello, Police Officer Reynolds, Police Officer Norman, Police Officer Speiser, Police Officer Betts and/or Police Officers John Doe #1-5, caused the Plaintiffs severe emotional distress, anxiety, and humiliation and physical ailments related to same.

57. As a direct and proximate result of the malicious, intentional and/or reckless actions of the Defendants, Police Officer Spicer, Police Officer Liciardello, Police Officer Reynolds, Police Officer Norman, Police Officer Speiser, Police Officer Betts and/or Police Officers John Doe #1-5, the Plaintiffs suffered emotional injuries.

58. The above-described actions of the Defendants, Police Officer Spicer, Police Officer Liciardello, Police Officer Reynolds, Police Officer Norman, Police Officer Speiser, Police

Officer Betts and/or Police Officers John Doe #1-5, were so malicious, intentional and reckless and displayed such a reckless and deliberate indifference to the Plaintiffs' rights and wellbeing, that the imposition of punitive damages is warranted.

WHEREFORE, Plaintiffs, Dennis M. Sharpe, Maryann Sharpe and Dennis W. Sharpe demand compensatory and punitive damages against the Defendants, Police Officer Spicer, Police Officer Liciardello, Police Officer Reynolds, Police Officer Norman, Police Officer Speiser, Police Officer Betts and/or Police Officers John Doe #1-5, jointly and/or severally, for the common law tort of intentional infliction of emotional distress, in an amount to fairly and adequately compensate the Plaintiffs and punish and deter such conduct on the part of the Defendants, in addition to interest, costs, attorney's fees and delay damages.

COUNT VII
MALICIOUS PROSECUTION -COMMON LAW
DENNIS W. SHARPE vs. POLICE OFFICER SPICER, POLICE OFFICER
LICIARDELLO, POLICE OFFICER REYNOLDS, POLICE OFFICER NORMAN,
POLICE OFFICER SPEISER, POLICE OFFICER BETTS AND POLICE OFFICERS
JOHN DOE #1-5

59. All preceding paragraphs of this Complaint are fully incorporated by reference.

60. As described above, the Defendants, Police Officer Spicer, Police Officer Liciardello, Police Officer Reynolds, Police Officer Norman, Police Officer Speiser, Police Officer Betts and/or Police Officers John Doe #1-5, caused the Plaintiff, Dennis W. Sharpe, to be subjected to criminal proceedings intentionally, maliciously and without probable cause.

61. All criminal proceedings were terminated in the Plaintiff's favor.

62. As a direct and proximate result of the malicious and intentional actions of Defendants, the Plaintiff, Dennis W. Sharpe, suffered damages as described above.

63. The above-described actions of Defendants were so malicious and intentional and displayed such a reckless indifference to the Plaintiff's rights and wellbeing that the imposition of punitive damages is warranted.

WHEREFORE, Plaintiffs, Dennis M. Sharpe, Maryann Sharpe and Dennis W. Sharpe demand compensatory and punitive damages against the Defendants, Police Officer Spicer, Police Officer Liciardello, Police Officer Reynolds, Police Officer Norman, Police Officer Speiser, Police Officer Betts and/or Police Officers John Doe #1-5 , jointly and/or severally, for the common law tort of malicious prosecution, in an amount to fairly and adequately compensate the Plaintiffs and punish and deter such conduct on the part of the Defendants, in addition to interest, costs, attorney's fees and delay damages.

ABRAMSON & DENENBERG, P.C.

BY: 

VAZKEN A.E. ZEROUNIAN
1315 WALNUT STREET, 12th FLOOR
PHILADELPHIA, PA 19107
ATTORNEY OF PLAINTIFF

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM)

I. (a) PLAINTIFFS

DENNIS M. SHARPE
MARYANN SHARPE
DENNIS W. SHARPE

(b) County of Residence of First Listed Plaintiff

PHILA.

(EXCEPT IN U.S. PLAINTIFF CASES)

VAZKEN A.E. ZEROUNIAN, ESQUIRE
ABRAMSON & DENENBERG, P.C.

(c) Attorneys (Firm Name, Address, and Telephone Number)

1315 WALNUT STREET, 12TH FLOOR
PHILADELPHIA, PA. 19107
(215) 546-1345 EXT. 109

DEFENDANTS POLICE OFFICERS SPICER,
LICIARDELLO, REYNOLDS, NORMAN, SPEISER,
BETTS, JOHN DOE #1-5 AND CITY OF PHILA.

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

Attorneys (If Known)

UNKNOWN AT THIS TIME

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 446 Amer w/Disabilities - Employment <input type="checkbox"/> 446 Amer w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
			FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. §§1331, 1343

Brief description of cause.

MALICIOUS PROSECUTION/MONELL

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ EXCESS OF \$150,000.

CHECK YES only if demanded in complaint

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions)

JUDGE

PAUL S. DIAMOND

DOCKET NUMBER 2: 19-cv-00983

DATE MARCH 8, 2019

SIGNATURE OF ATTORNEY OF RECORD

MAR - 8 2019

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IF P

JUDGE

MAG JUDGE

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

19

983

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 337 MCKEAN STREET, PHILA., PA. 19148Address of Defendant: 1515 ARCH STREET, 15TH FLOOR, PHILA., PA. 19102Place of Accident, Incident or Transaction: PHILADELPHIA, PENNSYLVANIA

RELATED CASE, IF ANY:

Case Number: 2:13-CV-02773Judge: PAUL S. DIAMOND

Date Terminated: _____

Civil cases are deemed related when Yes is answered to any of the following questions:

- | | | |
|--|---|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☒ is / ☐ is not related to any case now pending or within one year previously terminated action in this court except as noted above.DATE March 8, 2019Vazken A.E. Zerounian
Attorney-at-Law / Pro Se Plaintiff308846

Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☒ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☐ 11. All other Federal Question Cases
(Please specify) _____

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify) _____
- ☐ 7. Products Liability
- ☐ 8. Products Liability - Asbestos
- ☐ 9. All other Diversity Cases
(Please specify) _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, VAZKEN A.E. ZEROUNIAN, counsel of record or pro se plaintiff, do hereby certify☒

Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

☐

Relief other than monetary damages is sought.

DATE March 8, 2019Vazken A.E. Zerounian
Attorney-at-Law / Pro Se Plaintiff308846

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38

MAR - 8 2019

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

DENNIS M. SHARPE, ET AL

PD

CIVIL ACTION

19

983

v.

POLICE OFFICER MICHAEL E.
SPICER, ET AL

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

3/8/19

Date

Vazken A.E. Zerounian
Attorney-at-law

VAZKEN A.E. ZEROUNIAN, ESQ.

Attorney for PLAINTIFF

215-546-1345, EXT. 109 (215) 546-1345

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E-Mail Address

MAR - 8 2019